

## REMARKS

Claims 19-27 remain pending in the instant application and claims 1-18 are withdrawn by the Examiner. Claims 19-27 presently stand rejected. Claims 19-27 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Claim Objections*

Claim 21 stands objected to for an informality. Claim 21 has been amended to address the Examiner's concern.

### *Claim Rejections – 35 U.S.C. § 112*

Claims 19 and 27 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Accordingly, claims 19 and 27 have been amended to address the Examiner's concerns.

### *Claim Rejections – 35 U.S.C. § 101*

Claims 19-27 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claims 19-27 to recite, “A tangible machine-readable medium to provide instructions...” Furthermore, the offending language in the specification has been removed. Accordingly, Applicants request that the instant §101 rejection be withdrawn.

### *Claim Rejections – 35 U.S.C. § 103*

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chungming Qiao, Optical Networking Solutions for next-generation Internet networks, “Label Optical Burst Switching for IP-over-WDM Integration”, IEEE Communication Magazine, September 2000, pg. 104-114 (hereinafter “Qiao”), in view of Chang et al. (US 6,150,651).

Claims 20-21 and 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Qiao in view of Chang in further view of Townsend et al. (US 5,850,441).

Claims 22-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Qiao in view of Chang in view of Townsend in further view of Stringer et al. (US 2003/0196087 A1).

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Qiao in view of Chang in further view of Stringer.

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03.

Independent claim 19 recites, in pertinent part,

generating a control burst, the control burst containing information to reserve network resources to form a virtual lightpath between the source edge node and the destination edge node during a scheduled timeslot, the virtual lightpath including at least one lightpath segment;

**adding information to the control burst identifying one or more data bursts to be sent from the source edge node to the destination edge node will be encrypted;**

Applicants respectfully submit that the combination of Qiao, Chang, Townsend, and Stringer, either alone or in combination, fails to disclose, teach, or suggest adding information to control burst (which are used to reserve network resources to form virtual lightpaths) to indicate which subsequent data bursts will be encrypted.

To be sure, the Office Action acknowledges "Qiao does not teach: one or more data bursts containing the data that are encrypted." *Office Action* mailed 9/6/07, page 7. Consequently, the Office Action cites col. 2, lines 32-38 of Chang as teaching this missing element. However, this portion of Chang states,

The chaotic optical encryption technique uses what is called "chaotic systems" as the optical encryption method. These are single wavelength chaotic synchronous fiber lasing systems that use amplitude or frequency modulation to introduce a "chaotic state" in the network. The information transmitted through the network is encoded onto chaos at the transmitter side and decoded at the receiver side. This is accomplished by using a synchronized "chaotic state" at the receiving end in order to "de-encrypt" the original optical signal.

Accordingly, Chang discloses use of a chaotic encryption technique that use amplitude or frequency modulation to introduce a chaotic state into an optical network. However,

Chang fails to teach or suggest adding information to a control burst (which are used to reserve network resources to form a virtual lightpath) that indicates which data bursts will be encrypted.

Townsend also fails to teach or suggest this very same element of claim 19. Rather, Townsend discloses the use of quantum cryptography for use with an optical ring network. However, Townsend fails to disclose use of control and data bursts, much less adding information into a control burst to indicate whether its related data burst is encrypted. Stringer also fails to disclose, teach, or suggest this element.

Consequently, the cited prior art fails to teach or suggest all elements of claim 19, as required under M.P.E.P. § 2143.03. Accordingly, Applicants request that the instant §103(a) rejections of independent claim 19 be withdrawn.

The dependent claims are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims be withdrawn.

## **CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

## **CHARGE DEPOSIT ACCOUNT**

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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